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Ms. Victoria Rutson
Director, Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423-001

RE: **Docket No. FD 35523, CSX Transportation, Inc.—Joint Use—Louisville & Indiana Railroad Company, Inc.**

Dear Ms. Rutson:

CSX Transportation, Inc. (“CSXT”) responds to the Noise and Vibration section of the comments submitted by the United States Environmental Protection Agency (“EPA”), as numbered by the EPA.

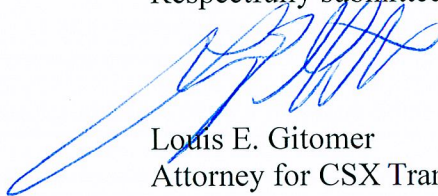
1. EPA is wrong in assuming that the maintenance schedule for wheels and rail will be developed for noise mitigation. Wheels and rail are maintained for safe and efficient operation. Moreover, the consist of CSXT trains includes cars owned and maintained by many different parties in addition to CSXT. Therefore, the data does not exist to reliably determine, on average, when wheels are trued. The track surface will be maintained in accord with the requirements of the Federal Railroad Administration under 49 CFR 213.63. As VM 49 indicates rail will be ground when it is rough. However, the condition of rail is not predictable because of the many factors involved. There is no provision in the proposed transaction for CSXT to upgrade the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection owned by CSXT (the “Three Lines”) to continuous welded rail where it is not continuous welded rail today.
2. CSXT does not expect to construct any new track along the Three Lines. CSXT expenditures will be on the LIRC line, not on the Three Lines. CSXT does not expect operate longer, heavier, and faster trains along the Three Lines than use those lines today. CSXT has not offered a commitment to include continuous welded rail, cross-overs or other measures on the Three Lines. The premise for EPA’s comments is in error. The Supplemental EA has analyzed the impact of operations on the Three Lines on sensitive receptors and proposed appropriate mitigation.

Mrs. Victoria Rutson
December 19, 2014
Page 2

3. The Board has a policy of allowing the parties to determine reasonable mitigation, without specifying parameters as proposed by EPA. CSXT requests OEA to follow Board precedent.
4. OEA has determined that wheel squeal occurs on curves. The EPA request for an additional determination of the local of wheel squeal is unnecessary.
5. As in comment number 2, EPA has adopted the same faulty premise underlying its recommendations. The premise for EPA's comments is in error. The Supplemental EA has analyzed the impact of operations on the Three Lines on noise from train traffic and proposed appropriate mitigation.

Let me know if you have any questions.

Respectfully submitted,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.